

### **Remarks**

The Office Action is discussed in detail below. Support for amendment to claims 1, 11 and 16 is found in the specification as filed. No new matter has been added.

**The disclosure is objected to because of the following informalities: on page 7 (and perhaps the figures) there is confusion between 110 and 120 as to which is the substrate and which is the conductor. On page 14, line 22 "120" should be --130--.**

The specification has been amended to correct the informalities. The drawings are correct and not in need of amendment.

**Claims 1,4-6,9,10,11,12,14-17,19 and 20 are rejected under 35 USC 102(b) as being anticipated by Wolstenholme '059 (W).**

Applicant's claims 1, 11 and 16 has been amended to include the limitation "*threshold switching material comprising a chalcogen element*".

Wolstenhome does not teach or suggest a threshold switching material comprising a chalcogen element. The

rejection under 35 USC 102 has been overcome and applicant requests it be removed.

**Claims 7, 13 and 18 are rejected under 35 USC 103(a) as being unpatentable over Wolstenholme in view of Parkinson '338.**

Claims 7, 13 and 18 depend from independent claims 1, 11 and 16 respectively, and include all of the limitations of the independent claims as well as additional limitations. As noted Wolstenholme fails to teach or suggest the limitations of claims 1, 11 and 16. Parkinson fails to make up for the deficiencies of Wolstenholme. Hence, Wolstenholme in view of Parkinson fails to teach or suggest all of the limitations of independent claims 1, 11 and 16 as well as dependent claims 7, 13 and 18. The rejection of claim 7, 13 and 18 under 35 USC 103(a) as been overcome and applicant requests it be removed.

**Claim 8 is rejected under 35 USC 103(a) as being unpatentable over W in view of Kozicki.**

Claim 8 depends from independent claim 1 and includes all of the limitations of claim 1 as well as additional limitations. As noted Wolstenholme fails to teach or suggest the limitations of claim 1. Kozicki fails to make

up for the deficiencies of Wolstensholme. Hence, Wolstensholme in view of Kozicki fails to teach or suggest all of the limitations of independent claim 1 as well as dependent claim 8. The rejection of claim 8 under 35 USC 103(a) as been overcome and applicant requests it be removed.

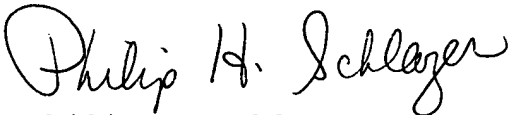
**Claims 1-9, 11-20 are rejected under 35 USC 102(e) as being anticipated by Kostylev '730.**

Kostylev teaches a first programmable resistance material, a second programmable resistance material, and a stabilizing material between the first and second programmable resistance materials. Kostylev further teaches that the first and/or second programmable resistance materials may include a chalcogen element. However, Kostylev '730 does not teach that either the first or second programmable resistance material may be a **threshold switching material** comprising a chalcogen element. It is respectfully noted that chalcogenide threshold switching materials are a subset of chalcogenide materials. Hence, Kostylev does not teach all of the limitations of applicant's 1-9 and 11-20. The rejection under 35 USC 102 is overcome and applicant respectfully requests it be removed.

## SUMMARY

Claims 1, 11 and 16 have been amended. In view of the above amendment and remarks, claims 1-6, 8-12, 14-17 and 19-20 are in condition for allowance. Applicant respectfully requests withdrawal of the outstanding rejection, and notification of allowance. Should the Examiner have any questions or suggestions regarding the prosecution of this application, he is asked to contact applicant's representative at the telephone number listed below.

Respectfully submitted,



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**AMENDMENT TO THE DRAWINGS**

The attached "replacement sheets" of drawings are submitted to provide cleaner drawings. No substantive changes are being made to the drawings.